



# UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/077,578	02/14/2002	Wilhelm Aichele	HOE-678	1576
20028	7590	09/12/2006	EXAMINER	
Lipsitz & McAllister, LLC 755 MAIN STREET MONROE, CT 06468			HAMILTON, ISAAC N	
			ART UNIT	PAPER NUMBER
			3724	

DATE MAILED: 09/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Interview Summary</b>	<b>Application No.</b> 10/077,578	<b>Applicant(s)</b> AICHELE, WILHELM	
	<b>Examiner</b> Isaac N. Hamilton	<b>Art Unit</b> 3724	

All participants (applicant, applicant's representative, PTO personnel):

(1) Isaac N. Hamilton. (3) \_\_\_\_\_.

(2) Mr. Doug McAllister. (4) \_\_\_\_\_.

Date of Interview: 30 August 2006.

Type: a) ☒ Telephonic b) ☐ Video Conference  
c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☐ No.  
If Yes, brief description: \_\_\_\_\_.

Claim(s) discussed: N/A.

Identification of prior art discussed: N/A.


Agreement with respect to the claims f) ☐ was reached. g) ☐ was not reached. h) ☒ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: See Continuation Sheet.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

  
Examiner's signature, if required

## Summary of Record of Interview Requirements

### Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

#### Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews

##### Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132).

#### 37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

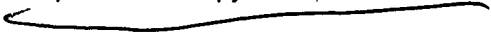
- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,  
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

#### Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

Continuation of Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Mr. McAllister informed the Examiner that an IDS filed on 12/13/05 was never considered and that the IDS did not appear on the PAIR system. After viewing internal records, it appears that the IDS was not processed correctly. Applicant was informed that he should fax in a true copy of the IDS along with the postcard receipt from the USPTO and a letter stating that the IDS is a copy of the originally filed IDS. The fax including the letter, receipt and IDS copy are attached.



**LIPSITZ & McALLISTER, LLC**

INTELLECTUAL PROPERTY ATTORNEYS

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BARRY R. LIPSITZ  
DOUGLAS M. McALLISTER

TELEPHONE: (203) 459-0200  
FACSIMILE: (203) 459-0201

August 30, 2006

To: **Examiner Isaac Hamilton**

Telephone No.: (571) 272-4509  
Art Unit: 3724

Firm: U.S. Patent and Trademark Office  
Fax No.: (571) 273-4509

From: Douglas McAllister  
Total Number of Pages, including this page: 4

Fax No.: (203) 459-0201

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Re: U.S. Patent Application No. 10/077,578

Filed: February 14, 2002

**CUTTING DEVICE AND CUTTING TOOL**

Our Ref.: HOE-678


Dear Examiner Hamilton:

As you discussed with Barry Lipsitz of our office yesterday, attached is a copy of the Information Disclosure Statement and form PTO-1449 mailed on December 13, 2005, together with a copy of the stamped postcard received back from the Patent Office evidencing receipt of these papers on December 15, 2005.

It would be appreciated if you would consider the Information Disclosure Statement and return an initialed copy of the PTO-1449 form, together with a Supplemental Notice of Allowability.

Thank you for your cooperation and assistance in this regard. Please do not hesitate to contact me if you have any questions or require additional information.

Very truly yours,

  
Douglas M. McAllister  
Registration No. 37,886

Enclosures

## P A T E N T

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
W. Aichele ) Examiner: I. Hamilton  
Application No.: 10/077,758 ) Art Unit: 3724  
Filed: February 14, 2002 )  
For: CUTTING DEVICE AND CUTTING TOOL )

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to Mail Stop Amendment, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 on December 19, 2006.

By Carol Prentice  
Carol Prentice

SECOND SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Dear Sir:

In accordance with 37 C.F.R. §1.56, Applicant wishes to call the attention of the Examiner to the following references:

U.S. PATENT(S):

<u>Patent No.</u>	<u>Patentee</u>	<u>Date of Issue</u>
2,224,668	Christian	Dec 10, 1940

A completed form PTO-1449 is enclosed.

Consideration of this reference by the Examiner is respectfully requested.

It is hereby certified, pursuant to 37 C.F.R. §1.97(e)(1), that each item of information contained in the Information Disclosure Statement was first cited in any communication from a

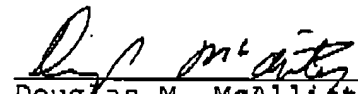
Application No.: 10/077,758  
Page 2

foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement.

The submission of the listed document is not intended as an admission that any such document constitutes prior art against the claims of the present application. Applicant does not waive any right to take any action that would be appropriate to antedate or otherwise remove any listed document as a competent reference against the claims of the present application.

Respectfully submitted,

Date: December 13, 2005  
ATTORNEY DOCKET NO.: HOE-678

  
\_\_\_\_\_  
Douglas M. McAllister  
Attorney for Applicant(s)  
Registration No. 37,886  
Lipsitz & McAllister, LLC  
755 Main Street, Bldg. 8  
Monroe, CT 06468  
(203) 459-0200

SHEET 1 OF 1

FORM PTO-1449				ATTY. DOCKET NO.: HOE-678		SERIAL NO.: 10/077,758	
<b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>				APPLICANT(S): W. Aichele			
(Second Supplemental)				FILING DATE: February 14, 2002		GROUP:	
<b>U.S. PATENT DOCUMENTS</b>							
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB- CLASS	FILING DATE
	AA	2,224,668	12/10/1940	Christian			
<b>FOREIGN PATENT DOCUMENTS</b>							
		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB- CLASS	TRANS- LATION YES NO
<b>OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, etc.)</b>							
EXAMINER				DATE CONSIDERED			
EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.							



Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir: Please acknowledge receipt of the following papers by stamping and returning this card.

Attorney Docket No.:  
Applicant(s):  
App. No.:  
Filed:  
Title of Invention:

HOE-678  
W. Aichele  
10/077,758  
February 14, 2002

CUTTING DEVICE AND CUTTING



[x] Second Supplemental Information Disclosure Statement  
[x] Form PTO-1449

Attorney: Lipsitz & McAllister, LLC

Mailed: December 13, 2005